

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/14/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAYLANDO D. NEWBY,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

23-CV-4780 (BCM)

SIDEKE FOGO,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed the letters filed by defendant (Dkt. 66) (seeking a pre-motion conference with respect to its anticipated motions for summary judgment and/or to exclude the testimony of plaintiff Fogo's expert medical witness); by plaintiff Fogo (Dkt. 67) (seeking a pre-motion conference with respect to its anticipated motion for partial summary judgment as to liability); and by plaintiff Newby (Dkt. 68) (seeking leave to "file a late disclosure of expert testimony"). The parties are reminded that opposition letters, if any, must be filed no later than **November 15, 2024**. (Dkt. 65.)

The Court will hold a conference on **November 21, 2024**, at 10:00 a.m., in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007. The Court is unlikely to entertain summary judgment motions or *Daubert* motions ahead of a bench trial. At the conference, the parties seeking leave to file such motions should be prepared to explain why, in this instance, it would be efficient to do so. Additionally, plaintiff Newby – who thus far has explained his failure to serve a timely expert disclosure only by stating that it was

"substantially due to the omission of my paralegal, who is no longer with this office" – should be prepared to show that there is "good cause," Fed. R. Civ. P. 16(b)(4), for the relief he seeks.

All parties should consult their calendars, and those of their clients and witnesses, and must be prepared, at the conference, to select a trial date in the first quarter of 2025.

Dated: New York, New York
November 14, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge